

M. V. JONES.

[To accompany Bill H. R. No. 773.]

MAY 25, 1860.

Mr. WALTON, from the Committee of Claims, made the following

REPORT.

The Committee of Claims, to whom was referred the memorial of M. V. Jones, have considered the same, and report :

That the memorialist was collector of customs at Wilmington, North Carolina, and between the 23d of May, 1843, and the 30th of April, 1847, disbursed \$40,000 for the erection of a custom-house at that port. He claims a commission for this service under the 18th section of the act of 1822, in these words: "No collector, surveyor, or naval officer, shall ever receive more than four hundred dollars annually, exclusive of his compensation as collector, surveyor, or naval officer, and the fines and forfeitures allowed by law for any services he may perform for the United States *in any other office or capacity.*"

It appears from a letter of the Commissioner of Customs, February 3, 1858, that this claim was presented to the Treasury Department in 1848, and again in 1850, and was disallowed, "on the ground that the allowance was prohibited by the 2d section of the act of August 23, 1842; that the appropriation for the construction of said custom-house contained no provision for commission to the superintendents, and even if it had contained such a provision, the appropriation having been exhausted, there was no fund applicable to its payment."

The provision of 1842, thus referred to, is in these words: "That no officer in any branch of the public service, or any other person whose salary, pay, or emoluments, is or are fixed by law or regulations, shall receive any additional pay, extra allowance, or compensation, in any form whatever, for the disbursement of public money, or for any other service or duty whatever, *unless the same shall be authorized by law*, and the appropriation therefor explicitly set forth that it is for such additional pay, extra allowance, or compensation."

It is clear that the allowance asked by the memorialist was authorized by the law of 1822, and that the objection at the Treasury Department in 1848 and 1850 was that no specific appropriation had been made to meet it.

It further appears, from the before-named letter of the Commissioner of Customs, that, subsequent to 1853, the Secretary of the Treasury,

"in consideration of the extensive appropriations for such public buildings, and with a view to economy, authorized collectors acting as superintendents of erection *to receive out of the specific appropriations for the buildings* such an amount of commissions as, with the sums received by them as agents of marine hospitals and superintendents of lights, would make their compensation respectively, for services in any other capacity, not to exceed the limit of \$400 per annum, *prescribed by the 18th section of the act of May, 1822 ;*" and under this rule allowances have been made, subsequent to the act of 1842, to eighteen collectors of districts for the disbursements stated. The Treasury Department, therefore, regards the 18th section of the act of May, 1822, as being still in full force. By virtue of that section, the committee are of opinion that the memorialist has a just claim for commissions, not exceeding \$400 per annum, for all services rendered "in any other office or capacity" than collector of customs. We see no reason for withholding from the memorialist the compensation that has been allowed to other collectors for the same services since the act of 1842, and therefore report a bill for his relief, and recommend its passage. The bill simply authorizes the Secretary of the Treasury to pay to the memorialist the same compensation that has been allowed to all other collectors of smaller ports for similar services.